

Serial No. **10/029,302**

Docket No. **K-0382**

Amendment dated June 13, 2006

Reply to Office Action of April 3, 2006

REMARKS

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

Claims 1-20 remain pending in the present application.

In the Office Action, claims 1 and 2 have been rejected as being unpatentable over admitted Prior Art (APA) in view of U.S. Patent No. 5,642,347 (Buckland). Claims 3, 4 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over APA in view of Buckland and further in view of U.S. Publication No. 2005/0238027 A1 (Skarpness). Claims 5, 8, and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over APA in view of Buckland and further in view of U.S. Patent No. 5,867,509 (Tanaka). Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over admitted APA in view of U.S. Patent No. 6,711,126 (Besset-Bathias). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable APA in view of U.S. Patent No. 6,449,254 (Hadjiahmad). Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over APA in view of U.S. Patent No. 5,805,821 (Saxena). Claims 12 and 13 have been rejected under 35 U.S.C. § 103(a) as being

unpatentable over APA in view of Saxena and further in view of Tanaka. Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over APA in view of U.S. Patent No. 6,185,209 (Wicklund). Claims 14-17, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 14-17, 19 and 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

35 U.S.C. §103 Rejections

Claims 1 and 2 have been rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Buckland. Applicant respectfully traverses these rejections.

Buckland discloses transferring data from an ATM physical device to an ASIC that includes receiving a continuous stream of ATM cells from the ATM physical device, identifying a virtual circuit from a header of each cell, providing an identification (address) of the virtual circuit to an output for reception by the ASIC, providing a continuous stream of payload contents of each cell received from the ATM physical device directly to an output for reception by the ASIC, calculating a cyclic redundancy check (CRC) on data carried by cells forming each packet for each virtual circuit address and providing an indication to the ASIC of the valid data

relating to a packet having a particular virtual circuit in the event the CRC is indicative that data in a packet is incorrect.

Regarding claim 1, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of this claim of, *inter alia*, converting AAL2 cells in an ATM network system that includes generating an AAL5 cell by adding an ATM header to the data subset included in the CPS packet, and storing intermediate CRC and length values of the data subset included in the AAL5 cell generated in a memory without storing the data subset of the generated cell. The Examiner admits that the APA does not disclose or suggest storing intermediate CRC and length values of the data subset included in the AAL5 cell generated in a memory without storing the data subset of the generated cell, but asserts that Buckland discloses these limitations at column 2, lines 47-48, column 3, lines 61-65, column 2, lines 25-26, column 4, lines 38-39, and column 1, lines 63-65. However, these portions of Buckland merely disclose that the reassembly circuit 3 is shown in Figure 1 as pipelined AAL5 circuitry that a data integrity checker receives RX data and an intermediate CRC calculation tally and the SRAM stores the ongoing CRC tally for each application specific packet, that the system of Buckland includes an apparatus for counting bites following a receipt of the signal, and for providing an outward signal for reception by the ASIC indicating that valid bites of an ATM cell are being transferred, that the bite count is applied to the payload identifier which receives the RX data signal and is used to extract specific contents

from each cells such as an indication of the end of each packet, and that intermediate data buffering is not required in Buckland, thus eliminating the problem of delays due to storage of data in memory. These portions of Buckland have nothing to do with generating an AAL5 cell, or storing intermediate CRC and length values of the data subset included in the AAL5 cell generated in a memory without storing the data subset of the generated cell, as recited in the claims of the present application. The mere disclosure in Buckland that the reassembly circuit is shown as AAL5 circuitry, does not disclose or suggest these limitations in the claims of the present application. Further, counting bites, storing a length value to be applied to a payload, and not needing data buffering has nothing to do with storing intermediate CRC and length values of a data subset included in an AAL5 cell without storing the data subset of the generated cell. Buckland simply relates to transferring data from an ATM physical device to an application specific circuit. These discreet portions of Buckland cited by the Examiner have nothing to do with the limitations in the claims of the present application.

Moreover, one of ordinary skill in the art would have no motivation to combine the APA with Buckland. The APA is related to transmitting cells and specifically converting between AAL2 cells and AAL5 cells all occurring in an ATM network system, whereas in contrast, Buckland relates to reassembly of data transfer between an ATM device and an application specific circuit that provides an indication to the ASIC of invalid data. The APA and Buckland are directed to two entirely different concepts and problems. The combination of the APA and

Buckland makes no sense because the key portion of Buckland, the reassembly unit 3, has nothing to do with conversion and as disclosed in Buckland comprises only AAL5 circuitry. Further, as has been shown, the combination of the APA and Buckland fails to achieve the limitations in the claims of the present application.

Regarding claim 2, Applicant submits that this claim is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1 and 2 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 3, 4 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Buckland and further in view of Skarpness. Applicant respectfully traverses these rejections and submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Skarpness does not overcome the substantial defects noted previously regarding the APA and Buckland.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of

each of claims 3, 4 and 10 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 5, 8 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Buckland and Tanaka. Applicant respectfully traverses these rejections and submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Tanaka does not overcome the substantial defects noted previously regarding APA and Buckland.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitation in the combination of each of claims 5, 8 and 9 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Besset-Bathias. Applicant respectfully traverses this rejection and submits that claim 6 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Besset-Bathias does not overcome the substantial defects noted previously regarding the APA.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of

claim 6 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Hadjiahmad. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Hadjiahmad does not overcome the substantial defects noted previously regarding the APA.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination disclose suggest or render obvious the limitations in the combination of claim 7 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Saxena. Applicant respectfully traverses this rejection.

Saxena et al. discloses a “video friendly” computer subsystem which enables isochronous data stream delivery in a multimedia environment over traditional interfaces for a particular industry. A media streamer is optimized for delivery of isochronous data streams and can stream data into new computer networks with ATM technology. The disadvantages of videotape is eliminated while providing a videotape recorder metaphor for system control. The system provides scalability to deliver from one to one thousandths of independently controlled data

streams to end users, and ability to deliver many isochronous streams from a single copy of data, mixed output interfaces, mixed data rates, a simple “open system” control interface, automation control support, storage hierarchy support, and low cost per delivered stream.

Regarding claim 11, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of this claim of, *inter alia*, converting AAL5 cells in an ATM network that includes generating a CPS packet by adding a packet header to the payload stored in the memory if the AAL5 cell received is not a final AAL5 cell, and emptying the memory and storing the next payload in the memory. The Examiner admits that the APA does not disclose or suggest emptying the memory and storing the next payload in the memory, but asserts that Saxena discloses these limitations in column 15, lines 35+ and column 17, lines 10-11. However, as noted from the description of Saxena above, Saxena has nothing to do with AAL5 cells in an ATM network system, or converting AAL5 cells, as recited in the claims of the present application. The portions of Saxena et al. cited by the Examiner merely disclose details regarding the just-in-time scheduling technique used in both the communications nodes 14 and the storage nodes 16 and that when the buffer empties, the communication node 14 schedules the next input. However, mere disclosure of a buffer emptying and scheduling a next input without more, does not disclose or suggest anything related to a CPS packet being generated by adding a packet header to a payload, included in an AAL5 cell, stored in a memory if the AAL5 cell received is not a final AAL5 cell

and emptying the memory and storing the next payload, received in a AAL5 cell, in the memory, as recited in the claims of the present application. Saxena et al. relates to a video optimized media streamer user interface employing non-blocking switching to achieve isochronous data transfers, and has nothing to do with converting AAL5 cells or storing payloads included in AAL5 cells in a memory and emptying the memory and storing the next payload included in a AAL5 cell in the memory.

Moreover, clearly one of ordinary skill in the art would have no motivation to combine the APA with Saxena et al. since these are each directed to different technologies and to solving different problems. The media streamer, disclosed in Saxena et al., has no place or function or purpose or benefit in converting AAL5 cells in an ATM network, as disclosed in the APA. In addition, this combination fails to achieve the limitations in the claims of the present application.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 11 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claims 12 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Saxena and Tanaka. Applicant respectfully traverses these rejections and submits that these claims are dependent on independent claim 11 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim. Applicant

submits that Tanaka does not overcome the substantial defects noted previously regarding the APA and Saxena. Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 12 and 13 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 18 has been rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Wicklund. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 11 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Wicklund does not overcome the substantial defects noted previously regarding APA.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 18 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

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CONCLUSION

In view of the foregoing remarks, Applicant submits that claims 1-20 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



John C. Eisenhart
Registration No. 38,128
Frederick D. Bailey
Registration No. 42,282

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 JCE/FDB:dgjlg

Date: June 13, 2006

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Please direct all correspondence to Customer Number 34610